

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

THE HIPSAVER COMPANY, INC.,

Plaintiff,

V.

J.T. POSEY COMPANY,

Defendant.

AND RELATED COUNTERCLAIM.

Civil Action No. 05-10917 PBS

EXHIBIT LIST OF J.T. POSEY COMPANY, INC.

J.T. Posey Company, Inc. designates as exhibits to be used at trial the documents and things listed on the attached Exhibit “A”. Posey reserves the right to amend its exhibit list to include any inadvertently omitted documents or to delete any inadvertently included documents, as well as the right to modify its list in response to the Court’s recent ruling on the parties’ motions for summary judgment and/or the Court’s

/

/

/

future rulings on the parties' motions in limine. Posey further reserves the right to introduce any and all exhibits contained on the exhibit list of The HipSaver Company, Inc.

Dated: May 15, 2007

J.T. POSEY COMPANY, INC.
By its attorneys,

/s/ Douglas H. Morseburg
Jeffrey G. Sheldon, Admitted Pro Hac Vice
Douglas H. Morseburg
Admitted Pro Hac Vice
SHELDON MAK ROSE & ANDERSON
100 East Corson Street, 3rd Floor
Pasadena, California 91103
(626) 796-4000

Anthony Fitzpatrick (BBO # 564324)
DUANE MORRIS LLP
470 Atlantic Avenue, Suite 500
Boston, Massachusetts 02210
(617) 289-9200

CERTIFICATE OF SERVICE

I certify that this document has been filed through the Electronic Case Filing System of the United States District Court for the District of Massachusetts and will be served electronically by the court to the Registered Participants identified in the Notice of Electronic filing.

May 15, 2007

/s/ Donald K. Piper

Donald K. Piper

EXHIBIT "A"

POSEY EXHIBIT LIST

Ex. No.	Date ID'd	Admitted	Description
1			Article: HipProtector Compliance: A 13- Month Study on Factors and Cost In a Long-Term Care Facility by Burl, et al. (PC 0414-419)
4			Partial Guidelines for Environmental Infection Control in Health-Care Facilities (PC 0377-389)
5			Guidelines for Laundry In Health Care Facilities (PC 0375-376)
7			Settlement Agreement (PC 0365-373)
8			Letter dated 04/09/96 from Hayes to Goodwin and results of impact test
9			Interpretation of Biomechanical Testing of HipSaver Dual-mechanism Shunting/Absorbing airPad (HS2 0046-49)
10			Article: Hip Pads: Effective Fracture Prevention by Gross, et al. (HS2 0043-45)
13			HipSaver approximate units sold per year (HS2 0034)
14			HipSaver Complaint dated 05/04/2005
17			Email dated 05/21/02 from E. Goodwin to E. Posey (PC 0187-189)

POSEY EXHIBIT LIST

Ex. No.	Date ID'd	Admitted	Description
36			Letter dated 03/07/05 from E. Posey to E. Goodwin r
37			Email dated 03/18/05 from E. Goodwin to E. Posey (PC 0099-100)
38			Email dated 03/19/05 from E. Goodwin to E. Posey
39			Email dated 03/21/05 from E. Goodwin to E. Posey re: "haveyasscrewedanyonetoday?" (PC 0095-96)
42			Email dated 04/02/05 from E. Goodwin to E. Posey re: CDC laundry
43			2003 HipSaver catalog
45			HipSaver Open-Bottom 3 Snap (HS2 0028-29)
49			HipSaver response to Posey's First Set of Interrogatories, dated 09/16/05
50			HipSaver response to Posey's First Request for Production dated 08/25/05
55			Partial 2001 HipSaver Tax Return (HS2 0081-82)
56			Partial 2002 HipSaver Tax Return (HS2 0082-83)
57			Partial 2003 HipSaver Tax Return (HS2 0084-85)

POSEY EXHIBIT LIST

Ex. No.	Date ID'd	Admitted	Description
58			Partial 2004 HipSaver Tax Return (HS2 0086-87)
64			ASTM Designation F355 – 95 (PC 1914-1917)
65			Article: Parkkari, et al. Force Attenuation Properties of Various Trochanteric Padding Materials Under Typical Falling Conditions of the Elderly, Journal of Bone and Mineral Research, Vol. 9, 11/09/94, pp.1391-96 (G 0285-90)
69			Letter dated 03/20/2001 from Walters to Sturkie (G 0259)
70			ASTM Designation F1292-99 (PC 1876-1890)
74			Letter dated 06/27/01 from Garwood to Walters (G 0239)
75			Letter dated 07/05/01 from V. Walters to T. Sturkie (PC 0831) (G 0024)
76			Hipsters Impact Absorption Testing (G 0243)
78			Photograph of Garwood Testing Equipment
79			Photograph of Garwood Testing Equipment
80			Photograph of Garwood Testing Equipment

POSEY EXHIBIT LIST

Ex. No.	Date ID'd	Admitted	Description
84			Posey Sales Data (PC 1468)
91			Environmental Test Report dated 05/02/01 (G 0246-291)
93			Environmental Test Report dated 01/18/05 (G 0116-0145)
105			Email string dated 09/25/03 from R. Carr to C. Kline (PC 0919-920)
109			Environmental Test Report dated 09/20/02 (PC 1340-1367)
110			Environmental Test Report dated 05/28/03 (PC 1301-1339)
111			Environmental Test Report dated 07/30/03 (PC 1113-1165)
112			Environmental Test Report dated 10/02/03 (PC 1166-1193)
113			Environmental Test Report dated 07/07/04 (PC 1194-1247)
114			Environmental Test Report dated 01/08/05 (PC 420-452)
115			Environmental Test Report dated 03/31/05 (PC

POSEY EXHIBIT LIST

Ex. No.	Date ID'd	Admitted	Description
			1248-1300)
116			Garwood Brochure (PC 1788 – 1801)
124			HipSaver unit cost sheet (HS2 0326)
125			HipSaver US Sales (HS2 0325)
126			HipSaver unit cost sheet (for US Sales 2005)
127			2004 HipSaver Tax Return (HS2 0417-0425)
129			Letter dated 04/29/96 from Hayes to Goodwin re: pad testing (HS2 0138-0143)
130			02/21/00 Trochanteric padding material tests – HipSaver (HS2 0151-52)
131			09/15/00 Trochanteric pad tests - HipSaver (HS2 0153-54)
134			2003 HipSaver Tax Return (HS2 0408-0416)
135			2002 HipSaver Tax Return (HS2 0399-407)
136			2001 HipSaver Tax Return (HS2 0388-0398)
139			Screen shot from HipSaver website – Hip Protectors

POSEY EXHIBIT LIST

Ex. No.	Date ID'd	Admitted	Description
			and the Laundry
140			Screen shot from HipSaver website – Validation and Testing
144			Expert Report of Creighton Hoffman and Philip Green (PC 3189-3206)
147			Email dated 10/20/06 from Epstein to Shukla
152			Handwritten notes (RJE 001-002)
154			Expert Report of Kevin Minissian (HS2 2210-2220)
155			Supplemental Expert Report of Kevin Minissian (HS2 2222-2223)
158			Screen shot of HipSaver website – Hip Protectors & The Laundry
162			Expert Report of Edward Ebramzadeh (HS2 2224-2256)
163			Rebuttal Expert Report of Edward Ebramzadeh (HS2 2257-2286)
165			Injury Biomechanics Clearly Explained
168			Letter dated 10/20/06 from Dailey to Hayes (WCH 0110-112)

POSEY EXHIBIT LIST

Ex. No.	Date ID'd	Admitted	Description
171			Screen shot from HipSaver website – “HipSaver Validation and Testing”
1001			HipSaver Laundry Label (PC 1986)
1002			Email dated 05/06/03 from Goodwin to Stalhanske re Posey hip protectors (HS2 2058-59)
1003			Letter dated 04/08/05 from E. Goodwin to E. Posey (PC 0394)
1004			Letter dated 04/22/05 from E. Posey to E. Goodwin (HS2 2290-2292)
1005			Letter dated 05/03/05 from E. Daily to E. Posey
1006			Undated Instron Literature (HS2 1743-46)
1006a			Undated Instron Literature
1007			Email string dated 05/18/02 from E. Posey to M. Keefe, et al. (PC 0192-194)
1008			Letter dated 09/08/05 from J. Minns to Kay w/attached test results (PC 1971-1982)
1009			Email dated 11/04/03 from Nentrup to E. Posey re: feedback (PC 2015-2016)

POSEY EXHIBIT LIST

Ex. No.	Date ID'd	Admitted	Description
1010			Results of Tampere testing of Posey hip protectors on 06/02/06 (PC 5737-5742)
1011			Correspondence between E. Posey and J. Minns (PC 5914-5915)
1012			Exemplars of Posey Hipsters tested at Tampere
1013			Exemplars of Posey Hipsters produced at Posey's Rule 30(b)(6) depositions
1014			Environmental Test Report dated 05/02/01 (PC 0453-796)
1015			Letter dated 06/22/01 from Walters to Sturkie (PC 0812)
1016			Documents re Bids for Garwood Testing (PC 0819-0823)
1017			Letter dated 06/22/01 from V. Walters to T. Sturkie (PC 0830)
1018			Impact Test data (PC 0815)
1019			Environmental Test Report dated 08/07/01 (PC 001-074)
1020			ASTM Designation F355-95 (PC 1914-1917)

POSEY EXHIBIT LIST

Ex. No.	Date ID'd	Admitted	Description
1021			Exemplars of tested pads (pictured at PC 1475-1482)
1022			Email string dated 01/22/04 from Evans to Taylor, including message from Lewis (HS2 0816-819)
1023			Posey Advertisement (PC 1025-26)
1024			Partial 2002 Posey Catalog (PC 1029-30)
1025			Partial 2002 Posey Patient Safety Division Catalog (PC 1031-1032)
1026			Partial 2003 Posey Complete Healthcare Catalog (PC 1033-35)
1027			Partial 2004 Posey Healthcare Product Selection Guide (PC 1036-37)
1028			Partial 2005 Posey Healthcare Product Selection Guide (PC 1038-39)
1029			Partial 2006 Posey Healthcare Product Catalog (PC 1040-1042)
1030			Posey Hipsters Product Insert - M6139 (PC 1043-1044)
1031			Posey Hipsters Product Insert - M6139 (PC 1045-1046)

POSEY EXHIBIT LIST

Ex. No.	Date ID'd	Admitted	Description
1032			Posey Hipsters Product Insert - M6139 (PC 1047-1048)
1033			Posey Hipsters Product Insert - M6139 (PC 1049-1050)
1034			Posey Hipsters Product Insert - M6139 (PC 1051-52)
1035			Posey High Durability Hipster Product Insert - M6127 (PC 1055-1056)
1036			Posey Hipsters Product Inserts - M6016 (PC 1057-1058)
1037			Posey Hipsters Product Inserts - M6016 (PC 1059-1060)
1038			Posey Hipsters Product Inserts - M6016 (PC 1061-1062)
1039			Posey Hipsters Product Inserts - M6016 (PC 1063-1064)
1040			Posey Hipsters Product Inserts - M6016 (PC 1065-1066)
1041			Posey EZ On Hipsters Product Inserts - M5017 (PC 1067-68)
1042			Posey EZ On Hipsters Product Inserts - M5017 (PC

POSEY EXHIBIT LIST

Ex. No.	Date ID'd	Admitted	Description
			1069-70)
1043			Posey EZ On Hipsters Product Inserts - M5017 (PC 1071-1072)
1044			Posey Tight Rope Walker Flyers - M6079 (PC-1073-1076)
1045			Posey Tight Rope Walker Flyers - M6079 (PC-1077-1080)
1046			Posey Tight Rope Walker Flyers - M6079 (PC-1081-1084)
1047			Posey Tight Rope Walker Flyers - M6079 (PC-1085-1088)
1048			Posey Tight Rope Walker Flyers - M6079 (PC-1089-1092)
1049			Posey Tight Rope Walker Flyers - M6079 (PC-1089-1092)
1050			Posey Tight Rope Walker Flyers - M6079 (PC-1093-1096)
1051			Email dated 05/09/05 from V. Lewis to E. Posey re Hipster Literature Changes (PC 1097)
1052			Posey Tight Rope Walker Flyer - M6079 (PC 1747-1750)
1053			List of M6079 Shipments (PC 1770-1787)

POSEY EXHIBIT LIST

Ex. No.	Date ID'd	Admitted	Description
1054			Posey Product Instruction Sheets w/Change Notices (PC 1751-53)
1055			Posey Product Instruction Sheets w/Change Notices (PC 1754-56)
1056			Posey Product Instruction Sheets w/Change Notices (PC 1757-59)
1057			Posey Hipsters Product Inserts w/Change Notices (PC 1814-1816)
1058			Posey Hipsters Product Inserts w/Change Notices (PC 1817-1819)
1059			Posey Hipsters Product Inserts w/Change Notices (PC 1820-1822)
1060			Posey Hipsters Product Inserts w/Change Notices (PC 1823-1825)
1061			Posey Hipsters w/High Durability Pads Product Insert w/Change Notice (PC 1829-31)
1062			Posey EZ On Hipsters Product Inserts w/Change Notices - M5017 (PC 1832-1834)
1063			Posey EZ On Hipsters Product Inserts w/Change Notices - M5017 (PC 1835-1837)

POSEY EXHIBIT LIST

Ex. No.	Date ID'd	Admitted	Description
1064			Finished Goods Change Notices For Hipsters (PC 2860-2862)
1065			Finished Goods Change Notices For Hipsters (PC 2863-2865)
1066			Finished Goods Change Notices For Hipsters (PC 2866-2868)
1067			Finished Goods Change Notices For Hipsters (PC 2869-2871)
1068			Finished Goods Change Notices For Hipsters (PC 2872-2874)
1069			Finished Goods Change Notices For Hipsters (PC 2875-2877)
1070			Finished Goods Change Notices For Hipsters (PC 2878-2880)
1071			Finished Goods Change Notices For Hipsters (PC 2881-2883)
1072			Finished Goods Change Notices For Hipsters (PC 2884-2886)
1073			Finished Goods Change Notices For Hipsters (PC 2887-2889)

POSEY EXHIBIT LIST

Ex. No.	Date ID'd	Admitted	Description
1074			Various Finished Goods Change Notices For Hipsters (PC 2890-2892)
1075			Hipsters Advertising (PC 3000)
1076			Hipsters Advertising (PC 3001)
1077			Hipsters Advertising (PC 3002-3005)
1078			Hipsters Advertising (PC 3006-3007)
1079			Hipsters Advertising (PC 3008-)
1080			Hipsters Advertising (PC 3010-3011)
1081			Finished Goods Literature Change Order/Release Notice (PC 5712-5714)
1082			Finished Goods Literature Change Order/Release Notices (PC 5715-5717)
1082			Finished Goods Literature Change Order/Release Notices (PC 5718-20)
1084			Finished Goods Literature Change Order/Release Notices (PC 5721-5723)
1085			Color copies of Posey advertising materials (PC 5927-5928)
1086			Color copies of Posey advertising materials (PC 5929-5932)

POSEY EXHIBIT LIST

Ex. No.	Date ID'd	Admitted	Description
1087			Color copies of Posey advertising materials (PC 5933-5934)
1088			Color copies of Posey advertising materials (PC 5935-5938)
1089			Textbook - Physics, (2d ed. 1989) by Ohanian
1090			Supplemental Expert Report of Creighton Hoffman and Philip Green
1091			Exemplars of Posey Hipsters washed at direction of Minissian
1092			Complete 2003 Guidelines for Environmental Infection Control in Health-Care Facilities (PC 1483-1731)
1093			TRSA - Guidelines for Healthcare Linen Service - 1999 (PC 2101-2112)
1094			TRSA - Healthcare Service Operations Manual (PC 2113-2155)
1095			Wash logs (EM 527-528)
1101			Excerpt from VA manual re laundry facility operations (PC 5916-5926)
1102			Washroom Time Line Report Summary – February

POSEY EXHIBIT LIST

Ex. No.	Date ID'd	Admitted	Description
			2006 (EM 527)
1103			Washroom Time Line Report Summary – April 2006 (EM 528-533)
1104			Washroom Time Line Report Summary (EM 534-536)
1105			Wash Formula Guides (EM 537-538)
1106			TRSA Laundry Textbook
1110			Expert Report of Gary Reich
1111			Supplemental Expert Report of Gary Reich
1120			Letter dated June 14, 2004 from Hayes to Dailey (PC 5868-5875)
1125			Summary of Hipster Sales (PC 0809)
1126			Sample of Hipster pad (PC 1111-1112)
1131			HipSaver Flyer (PC 1922)
1131			Spec sheet (PC 2099-2100)
1132			Raw Material Specification (PC 2476)

POSEY EXHIBIT LIST

Ex. No.	Date ID'd	Admitted	Description
1133			Rogers Technical Data (PC 2834-2856)
1136			Exemplars of the parties' respective products
1140			Hipster Sales Summaries (PC 2893-2904)
1141			Hipster Monthly Sales (PC 2998-99)
1142			Sales and Costs of Designated Posey Fall Management Products 2001-2005 (PC 3382-3396)
1143			Sales and Costs of Posey Hip Protection Products 2001-2005 (PC 3397-3421)
1144			Bill to Customer Names and Addresses (PC 3422-3428)
1145			Ship to Address and Hipster Sales 2001-2005 (PC 3429-3852)
1146			Payment Application Data 2001-2005 (PC3853-3962)
1147			Posey Tax Return - 2001 (PC 5232-5257)
1148			Posey Tax Return - 2002 (PC5204-5231)
1149			Posey Tax Return - 2003 (PC 5180-5203)

POSEY EXHIBIT LIST

Ex. No.	Date ID'd	Admitted	Description
1150			Posey Tax Return - 2004 (PC 5153-5179)
1151			Posey Tax Return - 2005 (PC 5743-5767)
1152			Detailed Financial Data 2001-2005 (PC 5817-5841)
1153			Bone article (PC5768-5774)
1154			Article –Wiener, et al., (HS2 1436-47)
1155			Article – Cameron, et al., (HS2 1635-1639)
1156			Article – (HS2 1640-48)
1157			Article – Kannus, et al., (HS2 1850-56)
1158			Article – Cameron, (HS2 1860)
1159			Article – Nabhani, et al., (HS2 1999-2006)
1171			Documents re: Garwood testing in 02/01 (G0257-0284)
1172			Complaint dated 06/10/2004